

★ JAN 19 2007 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RALPH BAKER,

Plaintiff,
- against -

GOVERNOR GEORGE E. PATAKI; MAYOR
MICHAEL R. BLOOMBERG,

Defendants.
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**MEMORANDUM
AND ORDER**

06-CV-6138 (BMC)

COGAN, District Judge

Plaintiff Ralph Baker, proceeding *pro se*, brings this action against the Mayor of the City of New York and the Governor of the State of New York alleging violations of his constitutional rights including false arrest and malicious prosecution. On December 1, 2006, this Court issued a [2] Memorandum and Order dismissing plaintiff's claims as to defendant Pataki in his official capacity as frivolous and granting leave to replead his other claims and file an Amended Complaint within thirty (30) days or else the action would be dismissed. Those thirty days have now run and plaintiff has neither filed an amended complaint nor contacted the Court in any way.

In deference to plaintiff's *pro se* status, the Court hereby grants plaintiff an additional thirty (30) days in which to file an Amended Complaint in accordance with the December 1, 2006 Order. If plaintiff fails to replead within this second allotment of time, the complaint will be dismissed for lack of prosecution.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of the Court is directed to mail a copy of this Order to plaintiff *pro se*.

SO ORDERED.

Dated: Brooklyn, New York
January 12, 2006⁷

U.S.D.J.

A handwritten signature, possibly "J. J. ...", is written over the "U.S.D.J." text and extends upwards and to the right.